

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

USCA Docket Number: 05-1965

USDC Docket Number : 05-cv-11174

James Gomes

v.

United States of America

**CLERK'S SUPPLEMENTAL CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered (case file from 01-cr-10220) are original pleadings to be included with the record on appeal in the above entitled case.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on September 28, 2005.

Sarah A. Thornton, Clerk of Court

By:

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled  
case is hereby acknowledged this date: 9/28/05.

D. Burchell  
Deputy Clerk, US Court of Appeals

CLOSED

**United States District Court  
District of Massachusetts (Boston)  
CRIMINAL DOCKET FOR CASE #: 1:01-cr-10220-WGY-ALL**

Case title: USA v. Gomes

Date Filed: 06/27/2001

Magistrate judge case number: 1:01-mj-  
01032

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Assigned to: Chief Judge  
William G. Young

**Defendant**

**James Gomes (1)**

*TERMINATED: 10/23/2002*

represented by **Gordon W. Spencer**  
Suite 104  
1256 Park Street  
Stoughton, MA 02072  
781-297-9293  
Fax: 781-297-9295  
Email: attyspencer@aol.com  
*TERMINATED: 10/23/2002*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE  
NOTICED**  
*Designation: Retained*

**J. Thomas Kerner**  
230 Commercial Street  
First Floor  
Boston, MA 02109  
617-720-5509  
Fax: 617-720-0707  
Email:  
thomas.kerner@verizon.net

*TERMINATED: 12/18/2001  
LEAD ATTORNEY  
ATTORNEY TO BE  
NOTICED  
Designation: Retained*

**Michael C. Bourbeau**  
Bourbeau and Bonilla  
77 Central St.  
2nd Floor  
Boston, MA 02109  
617-350-6565  
Fax: 617-350-7766  
Email: mike@lawgenie.com  
*TERMINATED: 01/23/2002  
LEAD ATTORNEY  
ATTORNEY TO BE  
NOTICED  
Designation: CJA  
Appointment*

**Pending Counts**

18:922(g)(1) Felon on  
possession of a firearm  
(18:922G.F)  
(1-2)

18:922(g)(1) Felon in  
Possession of a Firearm  
(18:922G.F)

**Disposition**

The dft. has been found not guilty on Count 2s. The dft. is hereby committed to the custody of the US BOP for a term of 120 months on each of counts 1s and 3s, the sentence to run concurrent one count with the other. The dft. is to receive credit for time served from 8/1/01 to the present. The Court makes

(1s)

the following recommendation to the BOP: incarceration at Fort Devens. Supervised Release: 60 months. The dft. shall not possess a firearm. Assessment: .00. Fine: 0. Lump sum payment o f 00.00 due immediately.

The dft. has been found not guilty on Count 2s. The dft. is hereby committed to the custody of the US BOP for a term of 120 months on each of counts 1s and 3s, the sentence to run concurrent one count with the other. The dft. is to receive credit for time served from 8/1/01 to the present. The Court makes the following

recommendation to the BOP: incarceration at Fort Devens. Supervised Release: 60 months. The dft. shall not possess a firearm.

Assessment: .00. Fine: 0. Lump sum payment o f 00.00 due immediately.

21:846 Conspiracy to Possess Cocaine Base With Intent to Distribute (21:846=CD.F)  
(3s)

**Highest Offense Level  
(Opening)**  
Felony

**Terminated Counts**

18:922(g)(1) Felon in

**Disposition**

Possession of a Firearm  
(18:922G.F)  
(2s)

**Highest Offense Level**  
**(Terminated)**

Felony

**Complaints**

18:922(g)(1),18:922  
(k),21:846 Felon in  
possession of a firearm,  
conspiracy to distribute and  
dispense, and possess with  
intent to distribute and  
dispense cocaine base (crack  
cocaine) [ 1:01-m -1032 ]

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**Disposition**

**Notice**

**Pretrial Services**  
*TERMINATED: 10/23/2002*

represented by **Pretrial Services**  
US Pretrial Services  
1 Courthouse Way  
Boston, MA 02210  
*TERMINATED: 10/23/2002*  
*ATTORNEY TO BE*  
*NOTICED*

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**Notice**

**Probation Office**  
*TERMINATED: 10/23/2002*

represented by **Probation Office**  
U.S. Probation Office  
1 Courthouse Way  
Boston, MA 02210  
617-223-9198

**TERMINATED: 10/23/2002  
ATTORNEY TO BE  
NOTICED**

**Plaintiff****USA***TERMINATED: 10/23/2002*

represented by **Donald L. Cabell**  
United States Attorney's  
Office  
Suite 9200  
1 Courthouse Way  
Boston, MA 02210  
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Fax: 617-748-3951  
Email:  
[donald.cabell@usdoj.gov](mailto:donald.cabell@usdoj.gov)  
*TERMINATED: 10/23/2002*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE**  
**NOTICED**

Date Filed	#	Docket Text
06/15/2001	1	COMPLAINT as to James Gomes , filed. [ 1:01-m - 1032 ] (vah) (Entered: 07/02/2001)
06/27/2001	2	INDICTMENT returned James Gomes (1) count(s) 1- 2 . (sealed) (Entered: 07/02/2001)
06/27/2001		Chief Judge William G. Young Referral to Mag. Judge Judith G. Dein as to James Gomes . Purpose: arraignment and bail only (sealed) (Entered: 07/02/2001)
08/01/2001	4	CJA 23 FINANCIAL AFFIDAVIT by James Gomes , as to James Gomes , filed. (efs) (Entered: 08/03/2001)
08/01/2001		ARREST of James Gomes . (efs) (Entered:

		08/03/2001)
08/01/2001		Initial appearance as to James Gomes held Arraignment set for 2:00 8/6/01 for James Gomes ; Detention Hearing set for 2:00 8/6/01 for James Gomes (Defendant informed of rights.) (efs) (Entered: 08/03/2001)
08/01/2001	5	Mag. Judge Robert B. Collings . CLERK'S NOTES as to James Gomes , ; Dft Gomes ,without counsel, appears before the Court having been arrested on warrant; Dft requests that counsel be appointed; financial affidavit files; Court directs counsel be appointed; Govt moves for detention; Court oprders deft detained pending further hearing scheduled for 8/6/01 at 2PM before Magistrate Dien; Order of Detention to enter. ; Court Reporter: tape (efs) (Entered: 08/03/2001)
08/01/2001	6	Mag. Judge Robert B. Collings . ORDER entered for detention as to James Gomes Bond set to NO Bail for James Gomes. (efs) (Entered: 08/03/2001)
08/02/2001	3	Mag. Judge Robert B. Collings . CJA appointment for James Gomes , Attorney Michael C. Bourbeau appointed. (efs) (Entered: 08/02/2001)
08/03/2001	7	Arrest warrant returned executed as to James Gomes on 8/1/01. (sat) (Entered: 08/06/2001)
08/07/2001	8	Mag. Judge Judith G. Dein . INITIAL SCHEDULING ORDER entered as to James Gomes setting discovery request letters by 9/18/01, response to discovery request letters on or before 10/2/01. See Document #8 for complete Scheduling Order. (mlb) (Entered: 08/08/2001)
08/07/2001	9	Mag. Judge Judith G. Dein . ORDER ON EXCLUDABLE DELAY entered as to James Gomes . Time ordered excluded from 8/7/01 to 9/4/01. (mlb) (Entered: 08/08/2001)

08/07/2001	(10)	Mag. Judge Judith G. Dein . MEMORANDUM AND ORDER OF DETENTION entered as to James Gomes. The Dft. be committed to the Attorney General for confinement in a correction facility; the dft. be afforded a reasonable opportunity for private consultation with counsel and the person in charge of the corrections facility deliver the dft. to an authorized Deputy U.S. Marshall for the purpose of any appearance in connection with a court proceeding. See Document #10. (mlb) (Entered: 08/08/2001)
08/07/2001		Arraignment as to James Gomes held James Gomes (1) count(s) 1-2 . (mlb) (Entered: 08/08/2001)
08/07/2001		PLEA entered by James Gomes . Court accepts plea. Not Guilty: , James Gomes (1) count(s) 1-2 (mlb) (Entered: 08/08/2001)
08/07/2001		Detention hearing as to James Gomes held . (mlb) (Entered: 08/08/2001)
08/07/2001	11	Mag. Judge Judith G. Dein . CLERK'S NOTES as to James Gomes , re: Arraignment and Detention hearing held. The dft. pleads Not Guilty to all counts and the dft. will proceed with automatic discovery; the dft. consents to detention and reserves his right to detention hearing in future. The court will issue report and forward report with the file to District Court. Court Reporter: Tape 2001 (mlb) (Entered: 08/08/2001)
08/07/2001		Arraignment as to James Gomes held . (mlb) (Entered: 08/13/2001)
08/07/2001		PLEA entered by James Gomes . Court accepts plea. Not Guilty: James Gomes (1) count(s) 1-2 (mlb) (Entered: 08/13/2001)
08/07/2001	(12)	Mag. Judge Judith G. Dein . CLERK'S NOTES as to James Gomes , re: Arraignment held. Dft. pleads Not Guilty and elects to proceed under automatic

		discovery: the Court will issue a report and forward file to District Court. Court Reporter: Tape (mlb) (Entered: 08/13/2001)
08/07/2001		CASE NO LONGER REFERRED TO Mag. Judge Judith G. Dein . (mlb) Modified on 10/23/2002 (Entered: 10/23/2002)
08/16/2001	(2)	ARREST warrant returned unexecuted as to James Gomes . this event was originally doc. #2 in 01m1032....docketed by eaf... (tmc) (Entered: 03/06/2002)
08/17/2001	(13)	NOTICE issued of Initial Scheduling Conference as to James Gomes, set initial scheduling conference for 2:00 9/27/01 for James Gomes . cc/cl. (mlb) (Entered: 08/17/2001)
09/10/2001	(14)	NOTICE of Appearance of counsel for James Gomes , by Attorney J. Thomas Kerner. c/s. (mlb) (Entered: 09/13/2001)
10/24/2001		Initial Scheduling conference as to James Gomes held . (mlb) (Entered: 10/25/2001)
10/24/2001	(15)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Initial Scheduling Conference called. counsel request a postponement. Dft. agrees to exclude the time between 10/24/01 and 11/15/01. reset initial scheduling conference for 2:00 11/15/01 for James Gomes ; Court Reporter: D. Womack. (mlb) (Entered: 10/25/2001)
10/25/2001	(16)	Chief Judge William G. Young . ORDER ON EXCLUDABLE DELAY entered as to James Gomes . Time ordered excluded from 10/24/01 to 11/15/01. cc/cl. (mlb) (Entered: 10/25/2001)
11/15/2001		Initial Scheduling conference as to James Gomes held . (mlb) (Entered: 11/19/2001)
11/15/2001	(19)	Chief Judge William G. Young . CLERK'S NOTES as

		to James Gomes , re: Initial Scheduling conference held. Tentative Trial Date set for 1/22/02. Final Pretrial Conference set for 12/18/01 at 2:00 p.m.Court Reporter: D. Womack. (mlb) (Entered: 11/19/2001)
11/16/2001	(17)	Chief Judge William G. Young . SCHEDULING ORDER entered as to James Gomes setting Pretrial Conference for 2:00 12/18/01 for James Gomes ; tentative Jury Trial set for 9:00 1/22/02 for James Gomes. The time between 11/15/01 and 1/22/02 is excluded in the interest of justice. See Document #17. cc/cl. (mlb) (Entered: 11/19/2001)
11/19/2001	(18)	Chief Judge William G. Young . ORDER ON EXCLUDABLE DELAY entered as to James Gomes . Time ordered excluded from 11/15/01 to 1/22/02. cc/cl. (mlb) (Entered: 11/19/2001)
12/18/2001		Final Pre-trial conference as to James Gomes held . (mlb) (Entered: 12/19/2001)
12/18/2001	(20)	NOTICE of Appearance of counsel for James Gomes , by Attorney Gordon W. Spencer. (mlb) (Entered: 12/19/2001)
12/18/2001	(21)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Case called for Final Pretrial Attorney Spencer files notice of appearance as retained by dft. Mr. Kerner withdrawn appearance. Tentative Jury trial date set for 3/11/02 for James Gomes . Court continues the final pretrial conference to 2:00 2/13/02 for James Gomes . Court orders the time between 12/18/01 and 3/11/02 excluded. Court Reporter: D. Womack. (mlb) (Entered: 12/19/2001)
12/18/2001	(22)	Chief Judge William G. Young . ORDER ON EXCLUDABLE DELAY entered as to James Gomes . Time ordered excluded from 12/18/01 to 3/11/02. cc/cl. (mlb) (Entered: 12/19/2001)
02/13/2002		Final Pre-trial conference as to James Gomes held .

		(mlb) (Entered: 02/15/2002)
02/13/2002	23	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Final Pretrial Conference held. set Jury trial for 9:00 4/29/02 for James Gomes . The time between 2/13/02-4/29/02 is excluded. Pretrial Order to Issue. (mlb) (Entered: 02/15/2002)
02/13/2002	25	Chief Judge William G. Young . PRETRIAL ORDER entered as to James Gomes setting Jury Trial for 9:00 4/29/02 for James Gomes. See Document #25. cc/cl. (mlb) (Entered: 02/15/2002)
02/15/2002	24	Chief Judge William G. Young . ORDER ON EXCLUDABLE DELAY entered as to James Gomes . Time ordered excluded from 2/13/02 to 4/29/02. cc/cl. (mlb) (Entered: 02/15/2002)
02/27/2002	26	SUPERSEDING INDICTMENT returned as to James Gomes (1) count(s) 1s-2s, 3s . (cmg) (Entered: 03/01/2002)
03/01/2002		Chief Judge William G. Young Referral to Mag. Judge Judith G. Dein as to James Gomes . Purpose: Arraignment and Bail ONLY re: Superseding Indictment (cmg) (Entered: 03/01/2002)
03/11/2002		Arraignment as to James Gomes held James Gomes (1) count(s) 1s-2s, 3s . (mlb) (Entered: 03/13/2002)
03/11/2002		PLEA entered by James Gomes . Court accepts plea. Not Guilty: , James Gomes (1) count(s) 1s-2s, 3s (mlb) (Entered: 03/13/2002)
03/11/2002	27	Mag. Judge Judith G. Dein . CLERK'S NOTES as to James Gomes , re: Arraignment held on Superseding Indictment; Dft. pleads not guilty and will proceed with automatic discovery. set Detention Hearing for 2:00 3/15/02 for James Gomes ; Court Reporter: Tape 2002 (mlb) (Entered: 03/13/2002)
03/12/2002	28	Mag. Judge Judith G. Dein . SCHEDULING ORDER

		entered as to James Gomes. See Document #28. (mlb) (Entered: 03/13/2002)
03/12/2002	29	Mag. Judge Judith G. Dein . ORDER ON EXCLUDABLE DELAY entered as to James Gomes . Time ordered excluded from 3/11/02 to 4/8/02. (mlb) (Entered: 03/13/2002)
04/01/2002	30	Mag. Judge Judith G. Dein . MEMORANDUM AND ORDER ON ISSUE OF DETENTION as to James Gomes. "IT IS ACCORDINGLY ORDERED that the defendant remain DETAINED pending trial." See Document #30 for further information. (mlb) (Entered: 04/02/2002)
04/12/2002	31	Proposed Witness list by USA as to James Gomes , filed. (efs) (Entered: 04/16/2002)
04/12/2002	32	Proposed Exhibit list by USA as to James Gomes , filed. (efs) (Entered: 04/16/2002)
04/12/2002	33	TRIAL BRIEF by USA as to James Gomes , filed. (efs) (Entered: 04/16/2002)
04/12/2002	34	Proposed Voir Dire Questions by USA as to James Gomes , filed. (efs) (Entered: 04/16/2002)
04/12/2002	35	Proposed Jury Instructions by USA as to James Gomes , filed. (efs) (Entered: 04/16/2002)
05/07/2002		Voir dire begun as to James Gomes (1) count(s) 1s-2s, 3s. (mlb) (Entered: 05/10/2002)
05/07/2002		Criminal Jury trial Day 1 as to James Gomes held . (mlb) (Entered: 05/10/2002)
05/07/2002	36	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Criminal Jury Trial Day 1 held. Voir Dire begun. Jury Empanelment. Jury of 14 selected. Court Reporter: Donald Womack. (mlb) (Entered: 05/10/2002)
05/07/2002	37	Assented to MOTION by USA , as to James Gomes to

		amend [0-0] Superseding Indictment to correct typographical error. c/s. (mlb) (Entered: 05/10/2002)
05/07/2002		Chief Judge William G. Young . ENDORSED ORDER as to James Gomes : granting [37-1] motion to amend [0-0] Superseding Indictment to correct typographical error as to James Gomes (1). cc/cl. (mlb) (Entered: 05/10/2002)
05/07/2002	(38)	Corrected Superseding Indictment by USA as to James Gomes. See Document #38. (mlb) (Entered: 05/10/2002)
05/07/2002	(39)	MOTION by James Gomes for judicial determination of accuracy of governmental transcripts prior to submission to the jury , filed. (mlb) (Entered: 05/10/2002)
05/07/2002	(40)	AFFIDAVIT of Gordon Spencer, in support of [39-1] motion for judicial determination of accuracy of governmental transcripts prior to submission to the jury , filed. (mlb) (Entered: 05/10/2002)
05/07/2002		Chief Judge William G. Young . ENDORSED ORDER as to James Gomes : re: [39-1] motion for judicial determination of accuracy of governmental transcripts prior to submission to the jury as to James Gomes (1). Motion Denied without prejudice to its renewal. cc/cl. (mlb) (Entered: 05/10/2002)
05/07/2002	(41)	MOTION by James Gomes to exclude tape recording and transcript of non-testifying witness , filed. (mlb) (Entered: 05/10/2002)
05/07/2002		Chief Judge William G. Young . ENDORSED ORDER as to James Gomes : re: [41-1] motion to exclude tape recording and transcript of non-testifying witness as to James Gomes (1). Motion Denied without prejudice to its renewal. cc/cl. (mlb) (Entered: 05/10/2002)

05/07/2002	(42)	Chief Judge William G. Young . ORDER entered as to James Gomes re: Subpoenas. cc/cl. (mlb) (Entered: 05/10/2002)
05/09/2002		Criminal Jury trial Day 2 as to James Gomes held . (mlb) (Entered: 05/10/2002)
05/09/2002	(43)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Criminal Jury Trial Day 2 held. Jury Sworn. Corut gives pretrial charge. Opening remarks by Govt. Opening remarks by Dft. Govt. evidence commences. Court Reporter: D. Womack. (mlb) (Entered: 05/10/2002)
05/14/2002		Jury trial Day 4 held as to James Gomes. (mlb) (Entered: 05/17/2002)
05/14/2002	(47)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Criminal Jury Trial Day 4 held. Govt. evidence continues. Court Reporter: D. Womack. (mlb) (Entered: 05/17/2002)
05/15/2002		Jury trial Day 5 as to James Gomes held . (mlb) (Entered: 05/16/2002)
05/15/2002	(44)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Criminal Jury Trial Day 5 held. Govt. evidence continues. Court Reporter: D. Womack. (mlb) (Entered: 05/16/2002)
05/16/2002	45	MOTION by James Gomes for Judgment of Acquittal , filed. (efs) (Entered: 05/16/2002)
05/16/2002		Jury trial Day 6 held as to James Gomes . (mlb) (Entered: 05/17/2002)
05/16/2002	(48)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Criminal Jury Trial Day 6 held. Govt. evidence continues. Govt. Rests. Dft. orally moves for judgment of acquittal. Dft. evidence commences. Hrg. out of presence of the jury re: oral Motion. Court takes the Motion (dft. files a written

		Motion #45) under advisement. Dft. Rests. Jury recesses for the day. The Court holds charge conference. [45-1] motion for Judgment of Acquittal as to James Gomes (1), after argument, is Denied. ; Court Reporter: D. Womack. (mlb) (Entered: 05/17/2002)
05/17/2002		Criminal Jury trial Day 3 held as to James Gomes . (mlb) (Entered: 05/17/2002)
05/17/2002	(46)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Criminal Jury Trial Day 3 held. Govt. evidence continues. Court Reporter: D. Womack. (mlb) (Entered: 05/17/2002)
05/17/2002		Criminal Jury trial Day 7 held as to James Gomes. (mlb) (Entered: 05/22/2002)
05/17/2002	(49)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Criminal Jury Trial Day 7 held. Closing arguments by Govt.; by dft. Court charges jury as to the law. Jur deliberations commence. Jury questions asked and answered. Jury returns verdict. The dft. is found Guilty as to Counts 1,3, not guilty to Count 2. Dft remanded to custody. set Sentencing for 2:00 9/4/02 for James Gomes ; Court Reporter: D. Womack. (mlb) (Entered: 05/22/2002)
05/17/2002	(50)	JURY VERDICT as to James Gomes Guilty: James Gomes (1) count(s) 1s, 3s , Not Guilty: James Gomes (1) count(s) 2s . (mlb) (Entered: 05/22/2002)
05/28/2002	(51)	Post Verdict MOTION by James Gomes for Judgment of Acquittal , filed. c/s. (mlb) (Entered: 05/30/2002)
05/28/2002	(52)	MEMORANDUM by James Gomes in support of [51-1] motion for Judgment of Acquittal (mlb) (Entered: 05/30/2002)
05/28/2002	(53)	AFFIDAVIT of Gordon W.Spencer, in support of [51-1] motion for Judgment of Acquittal , filed. (mlb)

		(Entered: 05/30/2002)
05/28/2002	(54)	Chief Judge William G. Young . ORDER entered as to James Gomes. It is hereby Ordered that the Brockton Juvenile Court provide copies of the docket sheets, complaints, and notices of appearance on all cases in your possession re: James Gomes. See Document #54. (mlb) (Entered: 05/30/2002)
06/04/2002		Chief Judge William G. Young . ENDORSED ORDER as to James Gomes :, Motion hearing set for 2:00 7/9/02 for James for [51-1] motion for Judgment of Acquittal . cc/cl. 1 (mlb) (Entered: 06/06/2002)
06/10/2002	(55)	MOTION by USA , as to James Gomes to extend time to 6/21/02 to respond to dft's post verdict Motion for Judgment of Acquittal , filed. c/s. (mlb) (Entered: 06/12/2002)
06/13/2002		Chief Judge William G. Young . ENDORSED ORDER as to James Gomes : granting [55-1] motion to extend time to 6/21/02 to respond to dft's post verdict Motion for Judgment of Acquittal as to James Gomes (1), Response to motion reset to 6/21/02 for James Gomes for [51-1] motion for Judgment of Acquittal . cc/cl. (mlb) (Entered: 06/13/2002)
06/21/2002	(56)	RESPONSE by USA as to James Gomes re: [51-1] motion for Judgment of Acquittal , filed. (efs) (Entered: 06/24/2002)
06/25/2002	(57)	NOTICE issued of Hearing/Conference as to James Gomes, Motion hearing set for 2:00 7/11/02 for James Gomes for [51-1] motion for Judgment of Acquittal (efs) (Entered: 06/25/2002)
07/10/2002	(58)	NOTICE issued of Hearing/Conference as to James Gomes, Motion hearing set for 2:00 9/12/02 for James Gomes for [51-1] motion for Judgment of Acquittal (efs) (Entered: 07/10/2002)

09/12/2002		Motion hearing as to James Gomes re: [51-1] motion for Judgment of Acquittal Motion hearing held . (efs) (Entered: 09/17/2002)
09/12/2002	(59)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Motion for Judgment of Acquitt; denying [51-1] motion for Judgment of Acquittal as to James Gomes (1); Sentencing set for 10/21/02 at 2PM Court Reporter: Womack (efs) (Entered: 09/17/2002)
09/17/2002		Sentencing set for 2:00 10/21/02 for James Gomes James Gomes (1) count(s) 3s, 1s . (efs) (Entered: 09/17/2002)
10/21/2002		Sentencing held James Gomes (1) count(s) 1s, 3s . (mlb) (Entered: 10/23/2002)
10/21/2002	(60)	MOTION by James Gomes for Gordon W. Spencer to withdraw as attorney , filed. (mlb) (Entered: 10/23/2002)
10/21/2002	(61)	AFFIDAVIT of Gordon W. Spencer, , re: [60-1] motion for Gordon W. Spencer to withdraw as attorney , filed. (mlb) (Entered: 10/23/2002)
10/21/2002		Chief Judge William G. Young . ENDORSED ORDER as to James Gomes : granting [60-1] motion for Gordon W. Spencer to withdraw as attorney (Terminated as to James Gomes (1). (mlb) (Entered: 10/23/2002)
10/21/2002	(62)	Chief Judge William G. Young . CLERK'S NOTES as to James Gomes , re: Sentencing hearing held. The Court announces the guideline calculations. After hearing the Court imposes the following sentence: Imprisonment: 120 months. Fine: 0. Special Assessment: \$200.00. Supervised Released: 5 years. Special Conditions: No firearm. Dft. advised of right to appeal. Dft. remanded to custody. Dft. files Notice of Appeal. Dft. counsel files Motion to Withdraw - Allowed. Court recommends Fort Devens. Court

		Reporter: D. Womack. (mlb) (Entered: 10/23/2002)
10/21/2002	(65)	NOTICE OF APPEAL by James Gomes , filed. James Gomes (1) count(s) 1s, 3s Appealing: [63-1] judgment order Appeal record due on 11/5/02 for James Gomes. cc/cl. (mlb) (Entered: 10/23/2002)
10/22/2002	(63)	Chief Judge William G. Young . JUDGMENT entered James Gomes (1) count(s) 1s, 3s . The dft. has been found not guilty on Count 2s. The dft. is hereby committed to the custody of the US BOP for a term of 120 months on each of counts 1s and 3s, the sentence to run concurrent one count with the other. The dft. is to receive credit for time served from 8/1/01 to the present. The Court makes the following recommendation to the BOP: incarceration at Fort Devens. Supervised Release: 60 months. The dft. shall not possess a firearm. Assessment: \$200.00. Fine: 0. Lump sum payment of \$200.00 due immediately. (mlb) Modified on 10/23/2002 (Entered: 10/23/2002)
10/22/2002	(64)	Chief Judge William G. Young . Statement of reasons as to James Gomes (mlb) Modified on 10/23/2002 (Entered: 10/23/2002)
10/23/2002		**JS3 Closing Card for James Gomes Terminated Defendant James Gomes (mlb) (Entered: 10/23/2002)
10/23/2002		Case closed as to all defendants, as to James Gomes. (mlb) (Entered: 10/23/2002)
11/21/2002		Certified and transmitted record on appeal to U.S. Court of Appeals as to James Gomes, re: [65-1] appeal. (jr) (Entered: 11/21/2002)
12/17/2002		U.S. Court of Appeals Case Number as to James Gomes, re: [65-1] appeal: USCA NUMBER: 02-2496 (jr) (Entered: 12/17/2002)
01/13/2003	(66)	MOTION by James Gomes to proceed without prepayment of fees (in forma pauperis)on Appeal ,

		filed. c/s. (mlb) (Entered: 01/16/2003)
01/13/2003	(67)	Affidavit by James Gomes in support of [66-1] motion to proceed without prepayment of fees (in forma pauperis)on Appeal (mlb) (Entered: 01/16/2003)
01/16/2003		Chief Judge William G. Young . ENDORSED ORDER as to James Gomes : granting [66-1] motion to proceed without prepayment of fees (in forma pauperis)on Appeal as to James Gomes (1). (efs) (Entered: 01/16/2003)
01/17/2003	(68)	MOTION by James Gomes to proceed on appeal without prepayment of fees (in forma pauperis) , filed. (efs) (Entered: 01/17/2003)
01/21/2003		Chief Judge William G. Young . ENDORSED ORDER as to James Gomes : granting [68-1] motion to proceed on appeal without prepayment of fees (in forma pauperis) as to James Gomes (1). (efs) (Entered: 01/21/2003)
04/10/2003	(69)	Transcript of proceedings held on Jury Selection (Volume 1) 5/7/02 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/10/2003)
04/10/2003	(70)	Transcript of proceedings held on Preliminary Jury Instructions, Opening Statements and the Evidence (Volume 2) 5/9/02 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/10/2003)
04/10/2003	(71)	Transcript of proceedings held on Transcript of the Evidence (Volume 3) 5/13/02 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/10/2003)

04/10/2003	(72)	Transcript of proceedings held on The Evidence (Volume 4) 5/14/02 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/10/2003)
04/10/2003	(73)	Transcript of proceedings held on The Evidence (Volume 5) 5/15/02 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/10/2003)
04/10/2003	(74)	Transcript of proceedings held on The Evidence (Volume 6) 5/16/03 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/10/2003)
04/10/2003	(75)	Transcript of proceedings held on The Evidence (Volume 6) (Excerpt) 5/16/02 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/10/2003)
04/10/2003	(76)	Transcript of proceedings held on Closing Arguments, Jury Instructions and the Verdict (Volume 7) 5/17/02 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/10/2003)
04/10/2003	(77)	Transcript of proceedings held on Disposition 10/21/02 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/10/2003)
04/11/2003		Transmitted Supplemental Record on Appeal: as to James Gomes re: [65-1] appeal. Document numbers: 69-77 (jr) (Entered: 04/11/2003)
04/15/2003	(78)	Transcript of Pretrial Conference proceedings held on 2/13/02 hearing date: before Judge: William G.

		Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/17/2003)
04/15/2003	(79)	Transcript of Motion Hearing proceedings held on 9/12/02 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack., filed. (mlb) (Entered: 04/17/2003)
04/15/2003	(80)	Transcript of Pretrial Conference proceedings held on 12/18/01 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/17/2003)
04/15/2003	(81)	Transcript of pretrial Conference proceedings held on 11/15/01 hearing date: before Judge: William G. Young, as to James Gomes , Court Reporter: Donald Womack, filed. (mlb) (Entered: 04/17/2003)
04/16/2003	82	MOTION by James Gomes for copy of transcript(s) at government expense , filed. c/s. (mlb) (Entered: 04/17/2003)
04/16/2003	83	MEMORANDUM by James Gomes in support of [82-1] motion for copy of transcript(s) at government expense c/s. (mlb) (Entered: 04/17/2003)
04/17/2003		Transmitted Supplemental Record on Appeal: as to James Gomes re: [65-1] appeal. Document numbers: 78-81 (jr) (Entered: 04/17/2003)
04/23/2003		Transmitted Supplemental Record on Appeal: as to James Gomes re: [65-1] appeal. Document numbers: 69-77 (jr) (Entered: 04/23/2003)
05/20/2003	(82)	Judge William G. Young : Electronic ORDER entered granting [82] Motion for Transcript at Government Expense as to James Gomes (1) (Bell, Marie) (Entered: 05/22/2003)
08/16/2004	(84)	MANDATE of USCA (certified copy) as to James Gomes re [65] Notice of Appeal - Final Judgment. This cause came on to be heard on appeal from the

United States District Court for the District of Massachusetts, and was argued by counsel. Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of conviction on the drug conspiracy count is affirmed. (Ramos, Jeanette) (Entered: 08/16/2004)